

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MICHAEL FRANKO,  
  
Plaintiff,  
  
-against-  
  
OSKAR LEWNOWSKI et al.,  
  
Defendants.  
-----X

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
DOC #: \_\_\_\_\_  
DATE FILED: 8/24/2021

21-cv-6115 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

On July 16, 2021, Defendants filed a notice of removal from the New York Supreme Court, New York County, on grounds of diversity jurisdiction. (Doc. 1.) On August 20, 2021, Plaintiff filed a letter arguing that Defendants’ “Notice of Removal is defective because it does not plead . . . defendants’ citizenship,” and instead states only that Defendants are not New Jersey citizens. (Doc. 8, at 1.) Plaintiff’s letter was not explicitly a motion for remand, but rather Plaintiff sought to inform me about the issue and see if I needed further clarity on subject-matter jurisdiction in this case. (*See id.* at 2.)

On August 23, 2021, Defendants submitted a filing in response to Plaintiff’s letter identifying the citizenship of all three Defendants. (Doc. 9.) Based on the representations that Plaintiff made in this filing, I am satisfied that Plaintiff has adequately clarified the citizenship of all Defendants and that the parties are completely diverse. *See Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 615 (2d Cir. 2019) (“For the purposes of diversity jurisdiction, a partnership takes the citizenship of all of its partners.”); *Caren v. Collins*, 689 F. App’x 75, 76 (2d Cir. 2017) (similar).

That said, when subject-matter jurisdiction is predicated on diversity jurisdiction, “complete diversity of all parties is an absolute, bright-line prerequisite to federal subject matter jurisdiction,” *Pa. Pub. Sch. Emples. Ret. Sys. v. Morgan Stanley & Co.*, 772 F.3d 111, 119 (2d Cir. 2019), meaning that I “may at any time in the course of litigation consider whether such [diversity] jurisdiction exists,” *Mitskovski v. Buffalo & Fort Erie Pub. Bridge Auth.*, 435 F.3d 127, 133 (2d Cir. 2006). Indeed, “[i]f at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c). Moving forward, either party should inform me if they believe that complete diversity between the parties in this matter does not exist.

Accordingly, it is hereby:

ORDERED that I decline to remand this case, pursuant to 28 U.S.C. § 1447(c) or otherwise, at this time.

SO ORDERED.

Dated: August 24, 2021  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized 'V' that loops around the first few letters. The last name "Broderick" is written in a similar cursive style. The signature is positioned above a horizontal line.

Vernon S. Broderick  
United States District Judge